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21 E.P. ARCHITECTURAL BUILDERS, INC. and DAVID  
22 POTENZA

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BRENDAN O TUAIRISG WATERS,

Plaintiff,

v.

E.P. ARCHITECTURAL BUILDERS,  
INC. and DAVID POTENZA,

Defendants.

No. CV10-03193 LB

**STIPULATION AND [PROPOSED]  
ORDER RE: STAY OF PROCEEDINGS  
PENDING DEFENSE COUNSEL'S  
MOTION TO WITHDRAW**

**Action Filed:** July 20, 2010  
**Trial Date:** Not Set

1 Pursuant to Local Rule 6-1, Plaintiff BRENDAN O TUAIRISG WATERS and  
2 Defendants E.P. ARCHITECTURAL BUILDERS, INC. and DAVID POTENZA, by and  
3 through their respective attorneys of record, Tomas Margain of DAL BON &  
4 MARGAIN, APC and Christina Luini of HANSON BRIDGETT LLP ("Hanson  
5 Bridgett"), hereby state, agree and stipulate as follows:

6 1. On December 22, 2010, Hanson Bridgett filed a Notice of Motion and  
7 Motion to Withdraw as Counsel due to Defendants' lack of cooperation and failure to  
8 compensate Hanson Bridgett for services rendered. The motion is currently set to be  
9 heard by this Court on February 3, 2011 (or on such other date as the Court may direct),  
10 at 11:00 a.m. Plaintiff does not oppose the motion.

11 2. The following events are set to occur prior to the scheduled hearing on  
12 Hanson Bridgett's Motion to Withdraw as Counsel: Defendants' deadline to file an  
13 Answer (December 31, 2010); deadline to file Joint Case Management Statement (January  
14 6, 2011); Initial Status Conference (January 13, 2011); and the Parties' deadline for  
15 completion of mediation (January 13, 2011).

16 3. In order to protect the rights of Defendants, the Parties hereby stipulate to  
17 a stay of all proceedings and continuance of all deadlines in this case until such time  
18 as Defendants notify the Court and Plaintiff's counsel that they have retained substitute  
19 counsel in this action or, in the alternative, thirty (30) days after this Court has issued an  
20 order as to Hanson Bridgett's Motion to Withdraw, whichever of these dates comes  
21 sooner.

22 4. To the extent this Court has not yet stayed this action at the time that  
23 Defendants' response to the Complaint is due, Plaintiff agrees not to seek a default  
24 judgment against Defendants until twenty (20) days after Defendants notify the Court  
25 and Plaintiff's counsel that they have retained substitute counsel in this action or, in the  
26 alternative, thirty (30) days after this Court has issued an order as to Hanson Bridgett's  
27 Motion to Withdraw, whichever of these dates comes sooner.

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1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

2 DATED: December 29, 2010

3 HANSON BRIDGETT LLP

4 By: /S/ Christina Luini  
5 CHRISTINA LUINI  
6 Attorneys for Defendants  
7 E.P. ARCHITECTURAL BUILDERS,  
8 INC. and DAVID POTENZA

9 DATED: December 29, 2010

10 DAL BON & MARGAIN, APC

11 By: /S/ Tomas Margain  
12 TOMAS E. MARGAIN  
13 Attorneys for Plaintiff  
14 BRENDAN O TUAIRISG WATERS

15 **PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN. THE COURT  
16 ORDERS AS FOLLOWS:**

17 All proceedings in *Waters v. E.P. Architectural Builders, Inc., et. al.*, Case No. CV10-  
18 03193 LB shall be stayed and all deadlines continued until such time as Defendants E.P.  
19 Architectural Builders, Inc. and David Potenza notify the Court and Plaintiff's counsel  
20 that they have retained substitute counsel in this action or, in the alternative, thirty (30)  
21 days after this Court issues an order as to Hanson Bridgett's Motion to Withdraw,  
22 whichever of these dates comes sooner.

23 **IT IS SO ORDERED.**

24 DATED: December 30, 2010

25 By:

26 LAUREL BEELER, *Laurel Beeler*  
27 United States Magistrate Judge



28 I, Christina A. Luini, hereby attest that I have on file all holographic signatures for  
any signatures indicated by a "conformed" signature ("S/") within this e-filed  
document.